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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

DISABILITY RIGHTS OREGON,
METROPOLITAN PUBLIC DEFENDER
SERVICES INC., and A.J. MADISON,

Plaintiffs,

vs.

DAVID BADEN, in his official capacity as head of the Oregon Health Authority, and DOLORES MATTEUCCI, in her official capacity as Superintendent of the Oregon State Hospital,

Defendants,

and

JAROD BOWMAN, JOSHAWN
DOUGLAS-SIMPSON,

Plaintiffs,

MOTION TO EXTEND REMEDIAL ORDER - 1
(Case No. 3:02-cv-00339-MO)

Case No. 3:02-cv-00339-MO (Lead Case)
Case No. 3:21-cv-01637-MO (Member Case)

UNOPPOSED MOTION FOR TO EXTEND
REMEDIAL ORDER

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DOLORES MATTEUCCI, Superintendent of the Oregon State Hospital, in her individual and official capacity, DAVID BADEN, Director of the Oregon Health Authority, in his official capacity, and PATRICK ALLEN in his individual capacity,

Defendants,

Case No. 3:21-cv-01637-MO (Member Case)

LR 7-1 Certification

Undersigned counsel for the Plaintiffs hereby certifies that Plaintiffs have conferred with counsel for Defendants prior to bringing this motion. Counsel for Defendants does not oppose this motion. Counsel for Plaintiffs also contacted counsel for all amici to let them know that he would be filing this motion. Counsel for Marion County indicated that they may want to file a response and indicated they could do so by January 22, 2024.

Motion

Plaintiffs hereby move this Court for an order extending the current remedial order (Dkt. No. 416) for a period of one year. That order expires on December 31, 2023 “unless renewed by the Court prior to that time.” *Id.* at 8. Plaintiffs request that the Court renew the order immediately and consider any opposition by amici to the extension in due time.

Memorandum

This Court’s remedial order is working as intended. It has significantly reduced wait times and allowed the Defendants to return to compliance with the permanent injunction for the first time in several years. However, as explained in Dr. Pinal’s Eighth Report to this Court, that compliance remains tenuous. If the Court were to lift the remedial order, the Defendants would almost immediately fall back out of compliance. Therefore, the order remains necessary to

ensure compliance with this Court's permanent injunction, and this Court remains empowered to extend it. *Stone v. City & County of San Francisco*, 968 F.2d 850, 856 (9th Cir. 1992).

This Court should extend the order for one year for the reasons stated in Dr. Pinal's report.

DATED this 20th day of December, 2023.

LEVI MERRITHEW HORST PC

/s Jesse Merrithew

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DISABILITY RIGHTS OREGON

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